

APPLICATION GRANTED.

Non-moving defendants F. Caraballo, J. Ayala, S. Amaro, Carlos J. Rodriguez, and Lervis Merejo's time to answer the amended complaint is held in abeyance pending the Court's consideration of the pending motion to dismiss. (Doc. #44). After the motion to dismiss is decided, the Court will instruct the non-moving defendants to file an answer by a specific date.

LETITIA JAMES  
ATTORNEY GENERAL

The Clerk is instructed to terminate the letter-motion. (Doc. #47).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

SO ORDERED:

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Vincent L. Briccetti, U.S.D.J.  
April 21, 2020

Attn: Honorable Judge Vincent L. Briccetti

Re: **Brown v. Annucci, et. al.,**  
**Index No.: 7:19-cv-9048 (VB)**

#### REQUEST FOR STAY OF ANSWER

Dear Judge Briccetti,

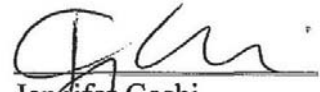
I am an Assistant Attorney General in the Office of Letitia James, Attorney General of the State of New York assigned to defense of this matter. I write to respectfully request a stay of the answer date for defendants S. Amaro, F. Caraballo, J. Ayala, C. Rodriguez and L. Merejo.

On April 20, 2020 defendants filed a partial motion to dismiss the amended complaint. Defendants moved to dismiss all claims, with the exception of the claim of excessive use force against defendants S. Amaro, F. Caraballo, J. Ayala, C. Rodriguez and L. Merejo. (Dkt. No. 44 & 45). After defendants filed the motion the Court set an answer date for the remaining defendants of April 28, 2020. (Dkt. No. 46).

We are respectfully requesting that the Answer date for the defendants S. Amaro, F. Caraballo, J. Ayala, C. Rodriguez and L. Merejo be stayed until such a time as a decision is made on the motion to dismiss. Their response as well as possible defenses for the remaining defendants may be altered based upon the decision rendered on the motion to dismiss.

Additionally, it would be most expeditious to have all defendants appear uniformly during the discovery process and for all scheduled conferences. This requested stay of the defendants answer will allow for all discovery to proceed in a uniform and coherent matter and to preserve valuable judicial resources.

By:



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cc:

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